

102. The film structure according to claim 98 further comprising:  
an adhesive layer disposed between the first and second layers.

103. The film structure according to claim 102 wherein the adhesive layer comprises ethylene-vinyl acetate copolymer.

104. The film structure according to claim 98 further comprising:  
an adhesive layer disposed between the second and third layers.

105. The film structure according to claim 104 wherein the adhesive layer comprises ethylene-vinyl acetate copolymer.

106. The film structure according to claim 98 wherein a first adhesive layer is disposed between the first and second layers and a second adhesive layer is disposed between the second and third layers wherein both the first and second adhesive layers comprise ethylene-vinyl acetate copolymer.

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#### REMARKS

The foregoing amendments have been submitted in response to an Office Action dated August 2, 2000. In the Office Action, the Examiner has rejected claims 1 and 35 under 35 USC §102(b) as being anticipated by Schut "*Enter a New Generation of Polyolefins*," dated November 1991. Further, claims 1, 2, 35 and 36 were rejected under 35 USC §102(b) as being anticipated by Meier et al. Moreover, claims 1, 2, 35 and 36 were also rejected under 35 USC §102(b) as being anticipated by Palazzotto. In addition, claims 1-3, 7, 8, 10-11, 13-14, 16, 18, 35-37, 41-44, 46-47, 49 and 51 were rejected under 35 USC §102(e) as being anticipated by Hodgson, Jr. Still further, claims 1-3, 7-8, 10-14, 16, 18, 35-37, 41-47, 49 and 51 were rejected under 35 USC §102(e) as being anticipated by Lai et al. Also, claims 1-3, 7-8, 10-11, 13-15, 35-37, 41-44 and 47-48 were rejected under 35 USC §102(e) as being anticipated by Hodgson et al. Finally, claims 12 and 45 were rejected under 35 USC §103(a) as being anticipated by Hodgson, Jr. or Hodgson et al.

Applicants note with appreciation that the request filed on July 12, 2000 for a Continued Prosecution Application ("CPA") under 35 CFR §1.53(d) has been deemed acceptable and that a CPA has been established.

With respect to the rejection of the claims under 35 USC §102 as being anticipated by Schut, Meier et al., Palazzotto, Hodgson, Jr., Lai et al., and Hodgson et al., these rejections are respectfully traversed in view of the claims as amended and for the reasons that follow.

Independent claims 1 and 35 have been amended to define a film structure comprising at least two layers wherein a first layer comprises a barrier layer and the second layer comprises a polymer formed by the polymerization reaction with a single site catalyst or metallocene catalyst system. These features are nowhere taught or suggested by Schut, Meier et al., Palazzotto, Hodgson, Jr., Lai et al., or Hodgson et al.

More specifically, Schut and Meier et al. merely disclose and teach coatings for cable and wire applications. Moreover, Palazzotto merely teaches a composition that may be used as a coating that may be created using an organometallic complex cation as a polymerization inhibitor. Moreover, Hodgson, Jr. merely teaches a film laminate whereby a polymer that may be formed by the use of a metallocene catalyst may be laminated to a base layer of polypropylene, polyethylene, a propylene/ethylene random copolymer or a blend with VLDPE copolymer of ethylene and butene-1. In addition, Lai et al. merely discloses substantially linear olefin polymers having specific characteristics. Moreover, the catalytic systems are disclosed to produce these substantially linear olefin polymers. Films created from these polymers are disclosed in Lai et al. but are limited merely to monolayers of polyethylene for testing purposes.

Finally, Hodgson et al. merely teaches a polymeric composition that may be made with films having a blend of about 25% to about 90% by weight of a very low density polyethylene and from about 10% to about 25% of a low- to medium-density polyethylene. The films may either be monolayers or have a three-layer A/B/A construction wherein the A layers, also referred to as the skin layers, represent the above-described blend and the B layer comprises a different olefin polymer, such as high density polyethylene.

However, none of the references disclose the film structures defined in amended independent claims 1 and 35. Under 35 USC §102, anticipation requires that a single prior art reference must disclose each and every element of the applicant's claimed invention. *Akzo N.V. v. U.S. International Trade Commission*, 808 F.2d 1471, 1479, 1 USPQ2d. 1241, 1245 (Fed. Cir. 1986). Moreover, anticipation is not shown even if the differences between the claims and prior art are "insubstantial" and one skilled in the art could supply the missing elements. *Structure Rubber Products Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 USPQ 1264, 1270 (Fed. Cir. 1984).

Since Schut, Meier et al., Palazzotto, Hodgson, Jr., Lai et al., and Hodgson et al. each fail to disclose the elements in amended claims 1 and 35, the rejections thereto have been overcome and should be withdrawn.

Claims 3, 7-8, 10-16 and 18 depend from independent claim 1; claims 37, 41-49 and 51 depend from claim 35. These claims are further believed allowable over the references of record for the same reasons as set forth above with respect to their parent claims since each sets forth additional elements of Applicants' novel film structures.

Further, Applicants have added new claims 98-106. Applicants submit that these newly added claims are both novel and non-obvious over any of the art cited, taken singly or in combination. Further, the claims are clearly supported by the specification. It is submitted that these claims have been added to further define independent patentable subject matter and, therefore, have not been added in relation to the patentability of any previously existing claims.

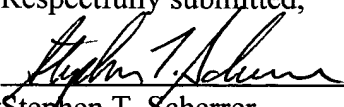
Moreover, dependent claims 3, 7-8, 10-16, 18, 37, 41-49 and 51 have been amended to maintain consistency with their parent claims. It is submitted that none of the amendments to these claims have been made for patentability reasons.

In view of the foregoing remarks and amendments, Applicants respectfully submit that all of the claims in the application are in allowable form and that the application is now in condition for allowance. If, however, any outstanding issues remain, Applicants urge the Examiner to telephone Applicants' attorney so that the same may be resolved and the application expedited to issue. Applicants respectfully request the Examiner to indicate all claims as allowable and to pass the application to issue.

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Respectfully submitted,

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